

1 **ANDREW A. BAO, ESQ.**
2 **Nevada State Bar No. 10508**
3 **WOLFE & WYMAN LLP**
4 **6757 Spencer Street**
5 **Las Vegas, NV 89119**
6 **Telephone: (702) 476-0100**
7 **Facsimile: (702) 476-0101**
8 **aabao@wolfewyman.com**

9 **Attorneys for Defendant**
10 **CENLAR FEDERAL SAVINGS BANK**
11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 KENT EGBERT,

14 Plaintiff,

15 v.

16 EQUIFAX INFORMATION SERVICES,
17 LLC; TRANSUNION, LLC, CENLAR
18 FEDERAL SAVINGS BANK,

19 Defendants.

Case No. 2:19-cv-01324-JAD-EJY

~~[PROPOSED]~~ **STIPULATION AND
ORDER TO EXTEND DISCOVERY**

[FIRST REQUEST]

20 Pursuant to Fed. R. Civ. P. 26(f), and Local Rule 26-1, Plaintiff Kent Egbert (“Plaintiff”) and Cenlar Federal Savings Bank (“Cenlar”) (collectively the “Parties”), by and through their attorneys, hereby stipulate to extend discovery deadlines and other deadlines in the October 15, 2019 Scheduling Order as follows:

21 **1. Completed Discovery.**

22 Cenlar has responded to discovery requests and produced documents. Cenlar’s 30(b)(6) deposition occurred on October 16, 2019 and has been left open due to pending discovery matters being discussed between the parties. Plaintiff noticed Cenlar’s subsequent 30(b)(6) deposition for December 19, 2019.

23 **2. Remaining Discovery.**

24 Completion of Cenlar’s 30(b)(6) deposition, outstanding document production from

1 Cenlar, possible expert discovery, plaintiff deposition, and request for production from Plaintiff.

2 **3. Good Cause.**

3 The parties have been diligently litigating this case and are requesting this extension because
4 another Cenlar 30(b)(6) deposition has been noticed for December 19, 2019. The Parties dispute the
5 qualifications of the original Cenlar 30(b)(6) witness produced on October 16, 2019 and the payment
6 of fees and costs relating to said deposition and continue to work through those particular issues.
7 Furthermore, there are several document production issues that remain outstanding and will be
8 subject to a motion to compel if cannot be agreed upon prior to the December 19, 2019 Cenlar
9 30(b)(6) deposition that is currently set. However, the parties are seeking to resolve these
10 outstanding issues between themselves to avoid burdening the Court, which is a significant reason
11 for the additional time needed. Further, the parties wish to ensure the upcoming deposition is
12 conducted with the benefit of a fully developed written record. Doing so will help minimize the
13 expense of litigation by avoiding the necessity of conducting follow-up depositions. In the event the
14 deposition reveals facts which necessitate amendment of the operative pleadings, the parties desire
15 to do so prior to the leave-to-amend deadline. Due to scheduling, this deposition cannot be completed
16 prior to the present leave-to-amend deadline. In the meantime, the parties remain open to settlement
17 in this matter, but have now reset a date for Cenlar's 30(b)(6) deposition to avoid any unnecessary
18 delay.

19 Currently, the discovery cutoff is March 9, 2020. The parties stipulated that Cenlar's 30(b)(6)
20 deposition (that occurred on October 16, 2019 and any other depositions thereto) will also be used
21 in a related case, *Egbert v. Equifax Information Solutions, LLC*, 2:19-cv-00483-JAD-VCF. In that
22 action, the discovery cutoff is also currently March 9, 2020 (*See* 2:19-cv-00483-JAD-VCF, ECF
23 No. 56), with the remaining parties similarly requesting an equivalent extension. The parties believe
24 similar discovery will be conducted in both actions.

25 Thus, the parties were diligently moving forward with all pending issues in this matter and
26 are only seeking another extension once they reasonably knew that they were unlikely to conduct
27 initial discovery prior to the current deadline to amend pleadings. *See Eckert Cold Storage, Inc. v.*
28 *Behl*, 943 F. Supp. 1230, 1233 (E.D. Cal. 1996). Furthermore, Cenlar's counsel unexpectedly had

1 to attend a family funeral recently, causing him to be generally unavailable between November 12,
2 2019-November 22, 2019. Counsel continue to work together in good faith to resolve any pending
3 discovery issues to avoid motion practice to the extent possible and to possibly settle this action.
4 Therefore, this stipulation is made in good faith, is not interposed for delay, and is not filed for an
5 improper purpose.

6 **4. Current Discovery Deadlines**

- 7 • Discovery Cutoff: **March 9, 2020**
8 • Amending Pleadings/Adding Parties: **December 10, 2019**
9 • Initial Expert Disclosures and Interim Status Report: **January 9, 2020**
10 • Rebuttal Expert Disclosures: **February 19, 2020**
11 • Dispositive Motion deadline: **April 8, 2020**
12 • Joint Proposed Pretrial Order: **None**

13 **5. Proposed Discovery Deadlines.**

14 WHEREAS, no prejudice will occur to this Court or the Parties if granted, good cause
15 supports this request to extend discovery;

16 NOW, THEREFORE, in consideration of the foregoing, and for good cause, IT IS HEREBY
17 STIPULATED AND AGREED, by and between the Parties as follows:

18 The October 15, 2019 Scheduling Order shall be amended as follows:

19
20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

- Discovery Cutoff: **April 23, 2020**
- Amending Pleadings/Adding Parties: **January 30, 2020**
- Initial Expert Disclosures and Interim Status Report: **February 29, 2020**
- Rebuttal Expert Disclosures: **April 2, 2020**
- Dispositive Motion deadline: **May 23, 2020**
- Joint Proposed Pretrial Order: **June 22, 2020**

IT IS SO STIPULATED.

Dated: December 2, 2019

KNEPPER & CLARK LLC	WOLFE & WYMAN LLP
<i>/s/ Shaina R. Plaksin</i> <hr/> Matthew I. Knepper, Esq. Nevada Bar No. 12796 Miles N. Clark, Esq. Nevada Bar No. 13848 Shaina R. Plaksin, Esq. Nevada Bar No. 13935 5510 So. Fort Apache Rd, Suite 30 Las Vegas, NV 89148 HAINES & KRIEGER LLC David H. Krieger, Esq. Nevada Bar No. 9086 8985 S. Eastern Avenue, Suite 350 Las Vegas, NV 89123 <i>Counsel for Plaintiff</i>	<i>/s/ Andrew A. Bao</i> <hr/> Andrew A. Bao, Esq. Nevada Bar No. 10508 6757 Spencer Street Las Vegas, NV 89119 Email: aabao@wolfewyman.com <i>Counsel for Defendant</i> <i>Cenlar Federal Savings Bank</i>

**QUILLING SELANDER LOWNDS WINSLETT &
MOSER, P.C.**

/s/ Jennifer R. Bergh

Jennifer R. Bergh, Esq.
Nevada Bar No. 14480
6900 N. Dallas Parkway, Suite 800
Plano, Texas 75024
Email: jbergh@qslwm.com

ALVERSON TAYLOR & SANDERS

Trevor Waite, Esq.
Nevada Bar No. 13779
6605 Grand Montecito Parkway, Suite 200
Las Vegas, NV 89149
Email: twait@alversontaylor.com

*Counsel for Defendant
Trans Union LLC*

CLARK HILL PLLC

/s/ Jeremy J. Thompson

Jeremy J. Thompson, Esq.
3800 Howard Hughes Parkway, Suite 500
Las Vegas, NV 89169
*Counsel for Defendant
Equifax Information Services LLC*

WOLFE & WYMAN LLP
ATTORNEYS & COUNSELORS AT LAW



- Rayna J. Zouchak
UNITED STATES MAGISTRATE JUDGE

Dated: December 3, 2019